Exhibit 16

Confidential

 1   LEONA QI

 2

 3   UNITED STATES DISTRICT COURT

 4   SOUTHERN DISTRICT OF NEW YORK

 5

 6   Case No: 1:22cv6206

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 8   PIONEER BUSINESS SERVICES, LLC d/b/a

 9   FOUR CORNERS AVIATION SERVICES,

10   Plaintiff,

11   v.

12   VISTAJET US, INC.,

13   Defendant.

14   ------------------------------------

15   C O N F I D E N T I A L

16   Deposition of LEONA QI, Volume 1, taken by AILSA

17   WILLIAMS, Certified Court Reporter, at the offices

18   of Stephenson Harwood, London, United Kingdom, on 6

19   December, 2022 at 10:00 a.m.

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22

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25   JOB NO. 219379

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 1                        LEONA QI

 2   AXS Law Group on behalf of VistaJet US.

 3             THE VIDEOGRAPHER:  Thank you.  Would the

 4   court reporter swear in the witness.

 5                        LEONA QI

 6                    Having been sworn,

 7                   Testified as follows:

 8              EXAMINATION BY MR. HAVALES:

 9             MR. HAVALES:  Good morning, Ms. Qi.  As

10   you heard a moment ago my name is Peter Havales.

11   I'm one of the lawyers for FCA, which is the

12   acronym I will use to refer to the plaintiff

13   throughout the case.

14             Could you tell us your address, your

15   home address, please?

16        A    My home address is 11 South Audley

17   Street, Mayfair, London.

18        Q    Thank you.  What is your present

19   employment?

20        A    With VistaJet Limited.  Sorry,

21   VistaJet Limited.

22        Q    What is your position at VistaJet

23   Limited?

24        A    President.

25        Q    Ms. Qi, I will be taking your
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 1                    LEONA QI

 2   email in the exchange you say you just tried her

 3   and she said she would call you in five minutes.

 4   Did you receive a call shortly thereafter from Ms.

 5   Kennedy, where the two of you had a discussion?

 6           A    She most definitely called me.  If

 7   she said she was going to call she probably

 8   called.

 9           Q    Do you recall having a conversation

10   with her some time in the afternoon of

11   February 11, 2022, earlier this year.

12           A    Specifically that date, no, but I am

13   pretty sure she called me.

14           Q    Do you recall your first telephone

15   conversation with Ms. Kennedy --

16           A    Yes.

17           Q    -- about her request to discuss the

18   Program Agreement with you?

19           A    Yes, I recall.  I remember the first

20   call.

21           Q    Tell me what you recall about the

22   first conversation that you and Ms. Kennedy had

23   about the Program Agreement raised in her February

24   7 email?

25           A    She basically introduced herself.
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1   LEONA QI

2   She is the new general counsel. Basically, it was

3   Chris McKinnon, where she was deputy one. She

4   said to me: "As you can see, and entire world can

5   see, Marcelo is no longer CEO of SoftBank. In the

6   interim we will have a new CEO. The new CEO will

7   not be authorized by the bank to fly privately.

8   We have this contract. We will need to think of

9   something to do about this contract. I understand

10   your contract is committed three years. We have

11   another year to go and we have all these hours.

12   We wanted to figure out the best solution about

13   this contract, if we can assign it to someone else

14   or if you could sell it to someone else on our

15   behalf." That was the first contract I had with

16   her. This was not verbatim but that was the basic

17   ask, and basically she informed me that SoftBank's

18   new CEO no longer has the authorization to fly

19   privately, so they need to think about something

20   to do with these hours specifically purchased for

21   Marcelo.

22   Q   In that first conversation, what was

23   your response to her?

24   A   I recall I told her: "As you said,

25   you are right, we need to think about something,

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1   LEONA QI

2   because when you purchased/signed this agreement

3   you committed to VistaJet 1600 hours total. There

4   were still 500 hours that are not paid, which was

5   in the third year. We need to figure out

6   something about these hours. I need to discuss

7   internally, but the best way, because we don't

8   have responsibility to sell these hours for you,

9   the best way would be you find someone, perhaps

10   one of your portfolio companies, who can take over

11   this contract."

12   Q   Okay. Do you recall anything else

13   either you or she said in that conversation,

14   beside what you have just testified about?

15   A   The first phone call probably not.

16   It was the first time I spoke with her.

17   Q   Okay. You said to her you had to

18   speak about this issue or situation internally.

19   After you had that first phone call with Ms.

20   Kennedy, did you have internal discussions about

21   the SoftBank request?

22   A   Probably the first thing I need to

23   do if this situation happens, I need to inform my

24   finance as well as my legal, because there is a

25   potential default by a customer.

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1   LEONA QI

2   Q   My question is not what you have to

3   do. My question is do you recall actually having

4   any internal conversations after the call with Ms.

5   Kennedy. I am a baby step person. Trust me, I am

6   going to get there. Do you recall the

7   discussions? Then I will ask you all about those

8   discussions.

9   A   Right after this call, I don't

10   recall if I -- right after this call, I don't

11   recall, because there was nothing to be discussed.

12   Q   Did you tell Mr. Moore that you had

13   received this request from Ms. Kennedy after your

14   first call with her?

15   A   At some stage, I do not recall if it

16   was specifically after the first call or the

17   second call, but I discussed it with Mr. Moore.

18   When they said for sure -- because Ms. Kennedy

19   came back to me later on --

20   Q   But before she comes back with a

21   proposal, I just want to know about this initial

22   time, when she says: "Hey, we have got this

23   situation, I need some help." Did you have a

24   discussion with Mr. Moore about that call, not

25   about --

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1   LEONA QI

2   tag, arranging a phone call back on March 3.

3   Between March 3 and March 21, before you received

4   this email from Ms. Kennedy, did you have any

5   conversations with her?

6   A   If I have, it is probably -- I don't

7   recall, but if I have it is probably nothing

8   material would be --

9   Q   As I said, if you don't recall I

10   don't want you to speculate or guess.

11   When you received this email from Ms.

12   Kennedy, on 21 March, do you recall whether you

13   had discussions with anyone about an assignment of

14   the agreement before you spoke to Ms. Kennedy?

15   A   Other than that last time I spoke

16   with finance, legal, as well as Mr. Moore, I did

17   not discuss with anyone, because the content of

18   this email, we wouldn't know what was the solution

19   that she identified.

20   Q   So we mark as Exhibit 15 an email

21   dated 21 March, 2022 from Christine Kennedy to

22   Leona Qi. It is a chain of emails. It bears

23   Bates numbers VJ42 to 43.

24   (Exhibit 16 marked for identification)

25   I want to clarify that the preceding

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 1                        LEONA QI

 2   exhibit that we just looked at, the March 21

 3   email, Bates stamped VJ40 is Exhibit 15, and that

 4   the email I am about to give you, also dated March

 5   21, with the Bates number VJ42, is Exhibit 16.

 6   Exhibit.

 7            Let me ask you to look at Exhibit 16.

 8   Tell me whether you recall this exchange with Ms.

 9   Kennedy?

10            A    I probably talked to her after I

11   landed in New York I think.

12            Q    Can we mark as Exhibit 17 a calendar

13   invite dated March 21, accepted by Ms. Qi, Bates

14   number VJ54.

15       (Exhibit 17   marked for identification).

16            Does this refresh your recollection

17   about having a call with Ms. Kennedy on or about

18   March 21, after that initial email from her?

19            A    Yes, I think so.

20            Q    Can you tell me what you recall

21   about the conversation that the two of you had?

22            A    It was not that day, but this will

23   be the phone call.  She called me, she said that

24   she has identified a potential buyer, which was a

25   group called Mente Group, and the CEO's name is
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1   LEONA QI

2   Brian Proctor. She said that they are a group

3   that are interested in buying these hours for

4   their clients. She said "Brian said that he knows

5   you, and you worked together before". I told her

6   I had probably met him once or twice at a trade

7   show but I don't recall specifically I worked with

8   him. We never really worked with him because

9   Mente Group, to my knowledge, in the industry they

10 are an advisory firm. They advise their clients

11 on buying and sell aircraft.

12   She said: "I think it will help if you

13 have a call with him because he has a group of

14 clients, they are aircraft buyers. As you know,

15 nowadays there is not a lot of availability in the

16 marketplace, so once their clients purchase

17 aircraft, there is a wait period. Sometimes it

18 could be up to two years. They could use some

19 supplemental lift from these hours. But I think

20 it is best that you speak with Brian."

21   I think that was the conversation with

22 this call.

23   Q   After you had that telephone call

24 with her, did you speak to anyone internally at

25 VistaJet US or VistaJet International?

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1   LEONA QI

2   A   Yes, I spoke with Mr. Moore. I told

3   him this is a person that they identified. Mr.

4   Moore said: "This is not ideal, because this

5   would not have been one company." We said that we

6   ideally sought a bank portfolio company or another

7   counterparty that is equivalent of SoftBank, in

8   terms of credit, creditworthy, because this is a

9   company that doesn't have the credit and could

10   potentially lead to multiple counterparties, which

11   is not how our contracts are designed, because our

12   contracts are designed to fly one end client.

13   So I said that she said Brian Proctor

14   already had their clients and they couldn't

15   identify in the short period of time any other one

16   end counterparty that would take this many hours,

17   because we are talking about equivalent or close

18   to 1100 hours, even though, according to our

19   contract, we could have taken close to 500 hours

20   of those hours, because after year two they would

21   have been forfeited, other than the 20%. So give

22   or take at the time, we are still talking about

23   100 plus 600 or 500, so total of 600 hours left.

24   She basically said they couldn't

25   identify anyone that in that short period of time

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 1                        LEONA QI

 2   and there was another person --

 3            Q   I don't want to jump to the phone

 4   calls.  I will get to them.  I just want to know

 5   now about research you did on your own or

 6   internally at VistaJet, okay?

 7            A   Yes.  So Brian Proctor, and there

 8   was another person whose name is I believe

 9   Michael, who might have been CFO of Mente Group,

10   and potentially also FCA.  I did have emails from

11   them.  Both of them have -- I was getting to your

12   question.

13            Q   I don't want to know about their

14   emails.  Right after you got this email, before

15   you heard anything from Mr. Proctor, or anyone at

16   Mente or FCA, did you do --

17            A   I am answering that question.

18            Q   Okay.

19            A   Because both of their email

20   signatures had three companies.  One is Mente

21   Group, the other one is FCA.

22            Q   Okay.  At this time you have not had

23   any -- on March 22, you have not received any

24   emails from Mr. Rogers or from Mr. Proctor,

25   correct?
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 1                     LEONA QI

 2          A    I don't think so, not relating to

 3  this company.

 4          Q    So you did not have their signature

 5  blocks to see the other company names.  So my

 6  question is, before you heard anything whatsoever

 7  from anyone at Mente or FCA, did you do any

 8  additional research of your own about FCA?

 9          A    I tried to find, I did try.  There

10  was not much information, other than this website,

11  and I was told that Brian Proctor was the CEO and

12  founder, and I knew that he was with Mente Group.

13  So I knew I had known Mente Group.

14          Q    Did you do a Google search?

15          A    I believe so.

16          Q    Did you find anything when you did a

17  Google search?

18          A    With FCA, I don't think much.  I

19  don't remember much.

20          Q    Did you call anyone in sales to ask

21  if they had any experience or knowledge about FCA,

22  before you ever heard from anyone from FCA?

23          A    I believe I talked to two of my

24  salesperson people.  Sorry, one.  I am trying to

25  think.  Because I had one salesperson that is
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 1   LEONA QI

 2   based in Texas. I have called him and asked if he

 3   knew of Four Corners Aviation. This is my memory.

 4   Q   Yes.

 5   A   I checked with one person in my

 6   team. They said they don't know, but he did say

 7   that he knew Brian Proctor from Mente Group.

 8   Q   And who is the individual in Texas

 9   that is one of your salespersons?

10   A   His name is Edward Benson.

11   Q   Do you recall what happened next,

12   after you received this email on March 22 from Ms.

13   Kennedy?

14   A   I don't recall immediately next but

15   ...

16   Q   Okay. Let me mark the next exhibit,

17   which is an email from Christine Kennedy to Brian

18   Proctor, with a CC to you, with attachments. It

19   bears the Bates number VJ64 through 91.

20   (Exhibit 20 marked for identification).

21   This is an email later in the day of

22   March 22. The attachments are described as being

23   the pre-existing agreements between VistaJet and

24   SoftBank and then a draft of a

25   VistaJet/FCA/SoftBank agreement. Before I get to

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 1                    LEONA QI

 2  talk to Mr. Moore or anyone else about the

 3  conversation you had with Mr. Proctor?

 4           A    Yes, I would have discussed.  I

 5  don't know if it is immediately after but I would

 6  have discussed this conversation, the initial

 7  conversation, with Mr. Moore.

 8           Q    What do you recall about your

 9  discussion with Mr. Moore, other than relating

10  what Mr. Proctor told you?

11           A    I related to him what he told me and

12  also, as my role, I advised to Mr. Moore:  "Here

13  are my big concerns about this counterparty and

14  what this person described to me.  The next step

15  would be we need to wait to see what he comes back

16  with, with the potential end-users."

17           Q    Okay.  Did you in that conversation

18  with Mr. Proctor say you needed to know the

19  end-users before you could agree to anything?

20           A    I said I need to know the profile of

21  the end-users:  "If you can let me know the

22  end-users, that would be better, because the most

23  important thing is that I need to cross-check they

24  are not our existing customers."

25           Q    At any time prior to the agreement
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 1                          LEONA QI

 2   being signed on April 1, did anyone from FCA

 3   provide you with the name of any end-users?

 4           A    This was before that we signed --

 5           Q    Before the signing?

 6           A    So not on this day but before

 7   signing --

 8           Q    Before signing, which is only nine

 9   or ten days later.  It was signed on April 1, so

10   at the any time prior to April 1 did you receive

11   the name of any of FCA's or Mente's clients?

12           A    We did not receive a name but we did

13   agree that each client that it would be marketed

14   to or flown on VistaJet, they would need to

15   receive VistaJet pre-approval.

16           Q    We will get to the terms of the

17   agreement.  I just want to know what you received

18   before the signing.  So before the signing did you

19   receive the name of any clients?

20           A    We didn't frankly.  I wish I did.

21           Q    But you did not?

22           A    We did not.

23           Q    When you received this email with

24   the draft assignment, which I will draw your

25   attention to is at the very end of the document
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 1                          LEONA QI

 2   with the pages VJ88, did you review the draft

 3   Assignment and Assumption Agreement before sending

 4   it on to anyone else?

 5               A    I reviewed it.  I sent it on to --

 6               Q    Before you sent it on did you review

 7   it?

 8               A    I skimmed through it.  I sent it to

 9   my lawyers.

10               Q    Baby steps.  Trust me.  When you

11   reviewed it, did you have any comments or

12   questions about the agreements that formed in your

13   own head before you spoke to your attorneys?

14               A    I didn't review it in detail.  I

15   sent it on to my attorney.  I told my attorney --

16               MR. FRANCO:  I am just going to

17   interrupt --

18               A    Sorry.

19               MR. FRANCO:  -- and caution you not to

20   reveal contents of communications with your

21   counsel.

22               MR. HAVALES:  That is why I am asking

23   about what were your thoughts and reactions to the

24   agreement before you sent it to your attorneys?

25   I am being respectful of the privilege.
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 1                    LEONA QI

 2          A    I am sorry.

 3          MR. FRANCO:  I appreciate that.

 4          MR. HAVALES:  I am speaking to her more

 5   than you.

 6          Did you have any thoughts or conclusions

 7   about the draft that Ms. Kennedy prepared and sent

 8   to you before you sent it to your attorneys for

 9   advice?

10          A    Sorry.  Obviously I sent it to my

11   attorney, but the most important thing that I

12   looked for was the number of clients that they

13   could allow these hours to fly on.

14          Q    There is nothing in here on that,

15   correct?

16          A    It says eight.

17          Q    It says eight, okay.

18          A    It is on number 88, item 4(a).

19          Q    All right.

20          A    Also the length of the time that

21   they could use it.  I basically said that we could

22   not extent it for a year so they must have drafted

23   here until September 30, which is then a further

24   three months, so instead of an extra 12 months

25   they would have an extra 15 months.
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 1                        LEONA QI

 2             Q    If you look at paragraph 4(a) it

 3   says:

 4             "... shall have the right to broker

 5   blocks of hours for third parties under VistaJet

 6   contracts to up to eight customers, provided that

 7   each such customer is preapproved by VistaJet,

 8   which such approval should not be unreasonably

 9   withheld."

10             Do you recall the number eight being

11   discussed in the three-way conversation you and

12   Mr. Proctor and Ms. Kennedy had before you

13   received this draft?

14             A    To my recollection, I think

15   initially I said two or three, and I think he

16   floated some number which is much larger, I want

17   to say in double digits, maybe 30 or 40.  I

18   basically said:  "Absolutely not".  We must have

19   agreed to the number eight, because he probably --

20   again, it is a long time ago, so the premise of

21   the conversation was that this eight number of

22   clients was what he already had that purchased

23   aircraft, had aircraft acquisition, sorry, had an

24   agreement with him that he advised them to buy

25   aircraft.  The aircraft order was placed.  This
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1   LEONA QI

2   eight number of clients, they were waiting for

3   delivery of the aircraft. These hours would be

4   specifically used for them for the pre-aircraft

5   delivery lift.

6   Q   Did Mr. Proctor tell you in this

7   call that you and Ms. Kennedy and he had before

8   receiving this draft that he had eight of his

9   existing customers who were waiting for aircraft

10   to be delivered?

11   A   I believe so. I believe that is the

12   number that he told me.

13   Q   Did you make any notes or send any

14   emails to anyone reflecting the substance of that

15   conversation with Mr. Proctor about what he told

16   you about having eight customers?

17   A   I must have discussed it with Mr.

18   Moore.

19   Q   That is not the question. I said

20   did you make any notes or send any emails

21   reflecting what Mr. Proctor told you?

22   A   I don't believe I sent an email to

23   Mr. Moore.

24   Q   Did you keep any notes of that

25   conversation while it was occurring?

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 1                         LEONA QI

 2    counsel will help you get the information so you

 3    can provide it to us as a corporate witness.

 4              Let me ask you to go back to Exhibit 3.

 5    That is the amended counterclaim.  Just one

 6    second.  Okay.  Exhibit 3.  Do you have that?

 7         A    Yes.

 8         Q    Before we turn to the particular

 9    paragraph, why don't you just look at paragraph 4

10    on page 2,  so you see what the definition is of

11    UHNWI.  Okay?

12         A    Yes.

13         Q    Ultra high net worth individuals.

14    If you turn to page 3, take a moment to read to

15    yourself paragraph 7 and 8.  Then I am going to

16    ask you some questions about them.

17         A    Okay.

18         Q    With respect to the representations

19    that are alleged in paragraph 7 of the amended

20    counterclaim, did Mr. Proctor allegedly make these

21    representations to you before VistaJet sent a

22    draft of the Addendum to parties on March 24?

23         A    March 24?

24         Q    March 24 is the date that the

25    Addendum was circulated?
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 1                     LEONA QI

 2          A    It should be before.  It should be

 3   the first time I spoke to him.

 4          Q    Okay.  Do you have an understanding

 5   as to why FCA did not insert into the draft

 6   addendum the representations that are alleged in

 7   paragraphs 7A and 7B -- VistaJet rather.  Let me

 8   withdraw the question.  I keep on doing that,

 9   sorry.

10          Do you have an understanding as to why

11   VistaJet did not draft representations and

12   warranties for the Addendum to reflect the alleged

13   representations in paragraph 7A and 7B?

14          A    So why VistaJet did not include FCA

15   in the Addendum?

16          Q    No, why it did not include

17   representations making these statements or

18   commitments in the Addendum?

19          A    It was in Addendum.  It says it can

20   re-market -- sell these block hours up to eight

21   individuals.  VistaJet has to pre-approve them.

22          Q    It says 8 customers, correct?

23          A    Correct, in the Addendum.

24          Q    Does it say anything about ultra

25   high net worth individuals?
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1   LEONA QI

2   A   Eight customers that -- no, it did

3   not say ultra high net worth individuals.

4   Q   Does the Agreement say anything --

5   are there any representations with respect to

6   paragraph A, namely the sole purpose of the

7   assignment was to assist the Mente Group in its

8   aircraft acquisition advisory business? Is there

9   anything put in to the Addendum as to that --

10   A   That was not in the Addendum.

11   Q   Is there anything in the Addendum

12   about not sale but remarketing of the bulk hours

13   to the wider aviation market?

14   A   Yes, in the Addendum it says --

15   where is the Addendum?

16   Q   Page 835, what we were just looking

17   at. If you look at Exhibit 48, page 835, that is

18   the Addendum. Get to the page first.

19   A   The Addendum specifically said or we

20   discussed they could not market, these eight

21   customers could not be existing VistaJet clients.

22   Also these eight customers has to be preapproved

23   by VistaJet. So it cannot be someone that

24   VistaJet does not approve. It did not put any of

25   the specific terms, but VistaJet reserved the

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 1                        LEONA QI

 2   right to approve this up to eight customers.  Who

 3   FCA, who FCA could --

 4              Q    Put on the planes, right?

 5              A    -- could put on the planes, these

 6   eight specific customers as lead passengers.

 7              Q    Section 3.4.1 of the Addendum, that

 8   is the paragraph you were referring to when you

 9   gave that testimony, right?

10              A    Correct.

11              Q    The first sentence says:

12              "Member shall have the right to resell

13   blocks of hours to third parties under the Program

14   to up to eight different customers during the term

15   of the Program."

16              Is there anything in that sentence or

17   any other part of the Addendum that speaks to

18   VistaJet's right to market before reselling the

19   blocks of hours?

20              A    I think you meant FCA's right?

21              Q    FCA.  I keep on doing that.  I am

22   sorry, I am such a moron.  You can keep that on

23   the record too.  My father would be in agreement,

24   bless his soul.

25              Section 3.1 states that:
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1   LEONA QI

2   a matter of fact, they went to trade shows to hand

3   out this brochure to brokers that would never be

4   flying on the VistaJet aircraft themselves. Now,

5   they are not a customer, as defined here. They

6   are giving those materials to people that are

7   forbidden by VistaJet. Two, those materials, we

8   would never have approved them in the first place

9   because they were never going to be customers.

10   Q   I am only talking about the

11   confidentiality terms. I am going to move to

12   strike everything you said, because that was not

13   my question. My question was only about one

14   sentence. I work on baby steps, and I am going to

15   a lot of things. You are going to get the chance

16   to answer my questions. If there are questions I

17   don't ask and your counsels wants to ask them

18   before we go home he can do that or he can save

19   them for a later time. The deposition will go a

20   lot more quickly and we will get done sooner if

21   you just answer my question and then save your

22   additional testimony either for follow-up

23   questions that I ask or questions that your

24   counsel may ask.

25   Let me ask you a question that follows

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 1                        LEONA QI

 2    up on the comments you just made.  Is there

 3    anything in FCA's brochure that discloses any

 4    terms of the Program Agreement?

 5              A    FCA brochure?

 6              Q    That discloses any terms of the

 7    Program Agreement?

 8              A    I don't believe so.

 9              Q    Is there anything in the Addendum

10    that prohibited FCA from telling people that it

11    had bought hours from VistaJet that it could

12    resell to up to eight customers that met with

13    VistaJet's approval?

14              A    That very part is prohibited, that

15    they could sell up to eight customers, and that is

16    why I just answered your question, because those

17    eight customers, they could only resell this to up

18    to eight customers, which they could not market or

19    resell to people they actually send the brochure

20    to.  That is where they violated our trademark and

21    IP, because they send it to people that were never

22    going to be the customers and flying on the

23    aircraft.

24              Q    I am not talking about IP.  I am not

25    talking about copyright.  I am not talking about
```

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```
 1                        LEONA QI

 2   trademark.  I am only asking about

 3   confidentiality.  Where in the Addendum does it

 4   say that FCA is prohibited from telling people

 5   that it did not acquire a block of hours that it

 6   could resell to up to eight customers?  Where does

 7   it state that they cannot tell that information?

 8          A    They inherited a contract from

 9   VistaJet.  There is a term in the contract that

10   says the entire contract is confidential.  They

11   could not reveal to people.  So that would include

12   the Addendum that they inherited.

13          Q    It is your position that the

14   confidentiality provision in the Program Agreement

15   that says the terms of the Program Agreement are

16   confidential also applies to the Addendum?

17          A    It is my position the Addendum is

18   part of the Agreements they are reassigned to.

19          Q    Where in the Addendum does it

20   incorporate the confidentiality provisions of the

21   Program Agreement?

22          A    The Addendum is part of the

23   Agreement --

24          Q    No --

25          A    -- they inherited.
```

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```
 1                       LEONA QI

 2              Q    Regardless, that is not my question.

 3   My question is where in the Addendum is this

 4   agreement -- this Addendum, which was signed in

 5   April 2022, made subject to the confidentiality

 6   terms that were in the Program Agreement?

 7              A    It was not said explicitly in the

 8   Addendum, but the Addendum is part of the

 9   Agreement they inherited.  Under the Program

10   Agreements, the entire entirety of the Agreement

11   and the Addendum, the entirety of the contract

12   they inherited, they were confidential.

13              Q    Was the fact that they acquired the

14   hours confidential?

15              A    The fact that they acquired hours is

16   not confidential, not up to eight customers.

17              Q    Well, no, it says they could resell

18   up to eight customers, right?

19              A    The fact that they acquired these

20   hours they could sell is confidential, because

21   they could not tell the wider market, other than

22   the potential customers.

23              Q    Well, potential customers.  So to

24   get a potential customer you have to find it,

25   correct?  Withdraw that.
```

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```
 1                    LEONA QI

 2          There is no representation in here that

 3   the eight customers are only pre-existing

 4   customers of FCA or Mente, are there?

 5          A    Unfortunately, that did not make it

 6   to the Addendum.

 7          Q    Your attorneys drafted the Addendum,

 8   right?

 9          A    Correct.

10          Q    To find a potential customer, one of

11   the eight customers, you would have to communicate

12   and market to the potential customer to get that

13   customer to buy hours, right?

14          MR. FRANCO:  Objection.

15          A    That is correct, but however --

16   which knowingly they marketed to people that were

17   never going to be customers.

18          Q    Okay.

19          A    Potentially, I would see a person on

20   the street, they would know, I would know as

21   somebody they were never going to be customers.

22   They marketed to brokers in the industry.  They

23   were never going to be flying on VistaJet.

24          Q    What if they talk to the brokers in

25   order to help them find customers?  Is there
```

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```
 1                      LEONA QI

 2   anything that prevented or precluded them from

 3   using brokers to help them find potential

 4   customers?

 5           A    There is.

 6           Q    What?

 7           A    The confidentiality of the

 8   Agreements, because the brokers would be able to

 9   market to people of the terms that they would not

10   be able to tell the brokers they are confidential,

11   because the brokers could have approached an

12   existing VistaJet customer.

13           Q    As we talked about before, when we

14   looked at the language, there was no absolute

15   prohibition about VistaJet.  You just had the

16   right to say no or yes, if it was a VistaJet

17   customer, right?  Do you remember that earlier

18   testimony?

19           MR. FRANCO:  Objection.

20           A    There is.  They have to get the

21   pre-approval before they could resell or market it

22   to a customer.

23           Q    Your interpretation is that before

24   they could market to a customer the pre-approval

25   was required?
```

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```
 1                         LEONA QI

 2            A    That is correct.

 3            Q    Where does it say that in the

 4   Agreement?

 5            A    They would need to get our approval.

 6   It says they could --

 7            Q    It says "approval to resell".  Does

 8   it say "approval to remarket"?

 9            A    To resell to up to eight customers.

10   Well, they were marketing and selling.  Now, you

11   send somebody a brochure.  Somebody says that "I

12   want to buy it", that is an agreement.  Before you

13   agree to that, then they are making also at the

14   same time making a very false representation.

15   They are frauding the market because they were

16   marketing something they don't have the approval

17   to sell in the first place.

18            Q    So it is your position now that FCA

19   was committing fraud in the marketplace?

20            A    Correct, they are selling --

21            Q    Do you allege that in the amended

22   counterclaim?

23            A    They were marketing something they

24   don't have to sell.

25            Q    They did have the right to sell
```

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```
 1                        LEONA QI

 2  hours up to eight people, subject to your veto of

 3  any of the eight people that they put forward?

 4            A    They send someone --

 5            Q    Let me finish the question.  They

 6  had the right to sell hours, blocks of hours, up

 7  to eight customers, subject to VistaJet vetoing

 8  any of the proposed eight customers.  Correct?

 9            MR. FRANCO:  Objection.

10            A    That is correct.

11            Q    Okay.  And the only language used in

12  3.41 is "resell" not "remarket", correct?

13            A    That is correct.

14            Q    Okay.  And there is no

15  confidentiality provision in the Addendum,

16  correct?

17            MR. FRANCO:  Objection.

18            Q    Is there anything written in this

19  document, the Addendum, pages 835 and 836, that

20  addressed the issue of confidentiality?

21            A    There is not, but the Addendum is

22  part of the Agreement, which the entire --

23            Q    Move to strike the second part of

24  the language.  I am only asking about the express

25  terms in the document.
```

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```
 1                     LEONA QI

 2           MR. FRANCO:  She is responding to your

 3  question.

 4           MR. HAVALES:  And I am entitled to move

 5  to strike.

 6           MR. FRANCO:  She is just responding to

 7  your question.

 8           MR. HAVALES:  She is going beyond the

 9  question, which is why I am moving to strike.

10           MR. FRANCO:  You have to let her finish.

11           MR. HAVALES:  I did let her finish.  I

12  moved to strike after she finished.

13           A    Everything was on the record, right?

14  I said, okay --

15           Q    Yes.  It is for the judge to strike

16  later on if the testimony is ever attempted to be

17  used from the deposition transcript, but I have to

18  move to strike to preserve my right, just like

19  your counsel objects to preserve his rights.

20           Let me ask you to look at paragraph 2,

21  interpretation, in the Addendum.  Page 835.  Do

22  you see that?  In the first paragraph it says:

23           "In the event of any inconsistency

24  between the terms of the Addendum and the terms of

25  the Programs, the terms of the Addendum shall
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 1                        LEONA QI

 2    Otherwise we will go for the next 30 minutes.  I

 3    don't care.

 4              A    I could go to the bathroom.

 5              THE VIDEOGRAPHER:  Going off the record

 6    at 5:31.  This is the end of media five.

 7                        (A short break)

 8              THE VIDEOGRAPHER:  This is the beginning

 9    of media six, starting at 17:40.

10              MR. HAVALES:  Let's go to post-signing

11    activities.  Under the terms of the Agreement, the

12    Assignment Agreement, if we go back to the

13    Assignment Agreement, there is an obligation to

14    make payments to VistaJet, correct?

15              MR. FRANCO:  Where are you?

16              Q    I am just asking do you recall

17    generally that there were obligations as part of

18    the closing under the transaction to make payments

19    to VistaJet?

20              A    I believe those obligations are in

21    the Addendum.

22              Q    It is also in the Assignment.  I

23    just want to talk generally.  Your recollection,

24    without pointing to it, do you recall that in

25    order for the transaction to close, payments were
```

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```
 1                        LEONA QI

 2   to be made to VistaJet?

 3             A    Correct.

 4             Q    If you look at page 768, the first

 5   page of the assignment, there is a proviso to pay

 6   $7,095,788.62, correct?

 7             A    Correct.

 8             Q    That obligation was one that

 9   SoftBank agreed, that VistaJet would be paid that

10   balance, correct?

11             MR. FRANCO:  Objection.

12             A    This number was what SoftBank owed

13   us.

14             Q    Right.  SoftBank agreed that

15   VistaJet would be paid that money, right?

16             MR. FRANCO:  Objection.

17             A    SoftBank and VistaJet agreed this is

18   what they owed us, correct.

19             Q    In the Addendum, page 765, section

20   3.3.1 provides that VistaJet must receive that

21   amount, $7,095,788.62, on or before the deadline.

22   It doesn't say from whom, just you must receive

23   the money by that date.  Correct?

24             MR. FRANCO:  Objection.

25             A    That is correct, SoftBank changed
```

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```
 1                         LEONA QI

 2   that because that was in one of the exhibits, that

 3   Jenna and Christine were trying to figure out with

 4   the custodian who to transfer the money to.

 5            Q    Right, but now I am just dealing

 6   with the signed Agreement, after all the

 7   negotiations.  3.3.1 talks about receipt, as

 8   opposed to who is making the payment, correct?

 9            MR. FRANCO:  Objection.

10            A    That is correct.  What I said was

11   the reason, because they wouldn't know, because

12   with the escrow, who would be the party that

13   transferred the money.

14            Q    I am not interested in the reason.

15   I am only asking about the terms now.  This will

16   go quicker if we stick with the questions.

17            Wherever the money came from, as long as

18   VistaJet received $7,095,788.62 by the deadline,

19   SoftBank and FCA executed the Assignment Agreement

20   on or before April 1, then the transaction would

21   be consummated.  Correct?

22            MR. FRANCO:  Objection.

23            A    That is correct.

24            Q    Did VistaJet receive $7,095,788.62

25   on or before the deadline date?
```

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1   LEONA QI

2   A   I believe so.

3   Q   Do you know who made that payment?

4   A   I believe -- just one minute I am

5   trying to find a definition of the deadline for

6   payment. I believe the agreement -- I believe the

7   payment was made by FCA, potentially from B1 Bank

8   to SoftBank, and SoftBank transferred it to

9   VistaJet, or B1 may have directly transferred it

10   to VistaJet. I am not certain.

11   Q   Okay. Let me mark as our next

12   exhibit, Exhibit 49, an email exchange with an

13   attachment, bearing Bates numbers VJ1051 through

14   54.

15   (Exhibit 49 marked for identification)

16   Have you seen that email before?

17   A   I believe so.

18   Q   Does that refresh your recollection

19   how you were paid?

20   A   Sorry, would you repeat?

21   Q   Told me you were not sure or did not

22   recall exactly how the payment came. Does that

23   refresh your recollection --

24   A   Yes.

25   Q   -- that the funds were transferred

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```
 1                    LEONA QI

 2   to you by FCA?

 3            A   By Michael, correct.

 4            Q   And Michael was the CFO of FCA,

 5   correct?

 6            MR. FRANCO:  Objection.

 7            A   We sent them -- correct.

 8            Q   Did you receive payment in advance

 9   of the deadline?

10            A   To be honest, I do not remember.  I

11   also do not recall if FCA indeed paid us directly.

12   This was just a payment instruction that VistaJet

13   finance sent to FCA.

14            Q   But there is no dispute that you

15   received the entire $7,098,000 and change amount

16   prior to the deadline, correct?

17            MR. FRANCO:  Objection.

18            A   I do not recall.  I do not recall.

19   I did not receive email confirmation to me that we

20   received before the deadline.  I do not recall

21   when it was received.

22            Q   Did VistaJet ever make an objection

23   or protest to either SoftBank or FCA that the

24   money had not been paid in a timely manner?

25            A   No.
```

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```
 1                     LEONA QI

 2          Q    And the money came either directly

 3   from FCA or FCA's bank, B1, correct?

 4          MR. FRANCO:  Objection.

 5          Q    That is your understanding?

 6          A    My understanding is that either that

 7   came directly to VistaJet or they transferred to

 8   SoftBank, SoftBank transferred to VistaJet.

 9          Q    Given Mr. Rodgers' request for wire

10   instructions directly to VistaJet, does that

11   refresh your recollection that Mr. Rodgers was

12   arranging either for FCA or B1 Bank to send the

13   money directly to VistaJet?

14          A    I cannot be certain if they did in

15   the end, or they did send it to SoftBank.

16          Q    Have you seen any documents that

17   indicates the money came from SoftBank --

18          A    No.

19          Q    -- or via SoftBank?

20          A    No.

21          Q    As of the deadline date, did

22   VistaJet believe that the Assignment and the

23   Addendum were in full force and effect?

24          A    I believe so.  What was the deadline

25   in the contract?  It doesn't matter.
```

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```
 1                      LEONA QI

 2           Q   If you go back to page 765, what we

 3  have been looking at, that is the Addendum, and

 4  you can go to page 768.  That is the Assignment.

 5  Okay.  So if you want to check on what the

 6  definition of deadline is, you can look at those

 7  two agreements.  But as we sit here today,

 8  VistaJet never complained that there was untimely

 9  payment, did it?

10           MR. FRANCO:  Objection.

11           A   I don't believe so, no.

12           Q   Staying with the Addendum, section

13  3.4.1 talks about pre-approval of a customer.

14  Correct?

15           A   Correct.

16           Q   Did VistaJet ever refuse to approve

17  a customer that was proposed to it by FCA to board

18  one of the VistaJet planes?

19           A   VistaJet did not.  VistaJet did not

20  with the customers, the four customers that did

21  fly on VistaJet aircraft.

22           Q   Four or three?

23           A   I believe they were Coca Cola --

24           Q   And EF Falcon, the McCausland

25  family, correct?
```

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```
 1                          LEONA QI

 2           MR. FRANCO:  Objection.

 3       A    Three.  I think there were three.

 4       Q    Let's mark as Exhibit 50 an email

 5  exchange, VJ5909 through 5911.  It is an email

 6  from Kevin Voss at FCA to an email address box

 7  called Fly VistaJet with a CC to Ms. Qi, amongst

 8  others.

 9       (Exhibit 50 marked for identification).

10           Do you recall receiving this email

11  exchange?

12       A    Not specifically.

13       Q    Do you know that Mr. Dalio at the

14  time of this email exchange was the CEO of

15  Bridgewater, a large hedge fund?

16       A    Yes, I do.  Actually I don't think

17  he is the CEO.  I think he is the Chairman.

18       Q    He had every title before he

19  retired, but I am not going to argue with you

20  about that.

21       A    I say that because the CEO -- the

22  CIO of Bridgewater was a VistaJet member.  I

23  believe Ray Dalio, Mr. Dalio himself, was the

24  Chairman anyway.

25       Q    CIO is chief investment officer,
```

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```
 1                    LEONA QI

 2   right?

 3           A    Yes.

 4           Q    I said "CEO".

 5           A    I believe CEO was another person.  I

 6   could be wrong, but anyway.

 7           Q    Mr. Dalio ran Bridgewater, correct?

 8           A    He was cofounder and Chairman.

 9           Q    He was the boss until he retired

10   some time earlier this year, correct, to the best

11   of your knowledge?

12           A    Correct.

13           Q    Did anyone object to Mr. Dalio and

14   his family members and friends and business

15   colleagues being on the planes that you received

16   requests for over the two plus months the contract

17   was in operation?

18           A    VistaJet did not object.

19           Q    Let's mark as Exhibit 51 an email

20   exchange from Kevin Voss to VistaJet Client

21   Services with a CC to Ms. Qi, among others, the

22   last of which is dated April 30, 2022, bearing

23   Bates numbers VJ6018 to 20.  Do you recall

24   receiving this email exchange?

25           (Exhibit 51 marked for identification)
```

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```
 1                     LEONA QI

 2   is not Kevin -- it was either Kevin or this

 3   gentleman who manages the family office, Sean

 4   Taylor.

 5             Q    When was the last time you spoke to

 6   Kevin Voss?

 7             A    I don't know if I ever talked to him

 8   recently, probably just once when they just signed

 9   up this agreement.  I may be on the phone with him

10   together with Tanya Rebelo, just to check on first

11   several flights.

12             Q    Back in April?

13             A    Correct.  I don't think I ever

14   talked to him afterwards.

15             Q    Are you aware that there were

16   flights for the Dalio family and Dalio

17   organization, so family office, not merely his

18   family, that ran up until early July, some time

19   before the July 18 termination date?

20             A    I believe so.  I think the last

21   flight was for Dalio family, I think.

22             Q    And did you see the passenger list

23   for every Dalio flight up through the middle of

24   July?

25             A    No, I don't review every single
```

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```
 1                         LEONA QI

 2    flight.

 3              Q    I forget the other name you

 4    mentioned a moment ago, to whom you may have had a

 5    discussion?

 6              A    Sean Taylor.

 7              Q    When was the last time you spoke to

 8    him?

 9              A    The very last time I spoke to him

10    was -- we are December now -- it was November or

11    end of October, which I can't remember, either

12    November 29/30 or November 1.  I went to MBAA,

13    which is a trade show in Orlando.  I had a press

14    conference the next day in Palm Beach.  I went to

15    Palm Beach.  I got a phone -- I got a text from my

16    team member, said there is a gentleman whose name

17    is Sean Taylor and he is here to see you.  I said

18    I already left.  They said:  "Okay, we will let

19    him know.  Can he call you?"  I said:  "He has my

20    cellphone because he spoke with me before".  So he

21    did call me that day.

22              Q    What was the subject matter of the

23    discussion?

24              A    He said:  "I just wanted to come and

25    see you.  I hope the differences between you and
```

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```
 1                    LEONA QI

 2   Four Corners could be resolved so we can continue

 3   to use our contract."  I asked him, I said:  "What

 4   contract are you talking about?  I don't have a

 5   contract with you.  I don't have a program

 6   member."  He said:  "Correct, but you are

 7   essentially the same.  We purchased hours from

 8   Four Corners.  It is the same as the VistaJet

 9   program."  I said:  "No, this is very much

10   different."  Then he said:  "No, but it was the

11   same, right?"  And then I said:  "No, I can tell

12   you categorically it is not the same.  That is

13   where our difference is, if that is what you are

14   referring to."

15            He said:  "So can Ray still fly with

16   you?"  I said:  "Yes, we welcome Ray back."

17            He said:  "But we have paid.  We signed

18   a contract with Four Corners."

19            I said:  "Well, we did not authorize

20   Four Corners to resell this in any way, shape or

21   form, to remarket and to sell this as a VistaJet

22   program, because it is not a VistaJet program."

23            He said:  "We received, when we signed

24   this program with them" -- he told me a name,

25   I think Freedom or whatever, and he said:  "We
```

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```
 1                    LEONA QI

 2  received, when we discussed with them the plane,

 3  the pictures, it was VistaJet, including the

 4  flight attendant.  Every time we booked with them

 5  we were always on a VistaJet.  They said this was

 6  a VistaJet program."

 7           I said:  "In our 18 years history,

 8  again, we never used agents.  They had this block

 9  of hours but there is no VistaJet program.

10  Whatever program you bought or signed, it was not

11  a VistaJet program."

12           That was the last time.  Then I had to

13  do something else.  I said I had to go.  That was

14  the last time I spoke with Sean Taylor.

15           Q   Did he have any discussions with you

16  between April and November about who the

17  passengers were using the VistaJet hours?

18           A   Sean tried to call me a couple

19  times.

20           Q   My only question is not did he try

21  to call you, but did he ever have any discussions

22  with you.  I want to wrap up, since we are five

23  past the hour.  Any discussions with you in which

24  he discussed who were the passengers going on any

25  of the VistaJet planes for hours arranged by FCA?
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